

GAHC020002312025



**THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL
PRADESH)
KOHIMA BENCH**

Case No. : WP(C)/71/2025

MS. MENAILIU
DAUGHTER OF LATE DAULUBO, R/O HOUSE NO. 215,
OLD MARKET, WARD 4, JALUKIE TOWN, PEREN, NAGALAND

VERSUS

STATE OF NAGALAND AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY/
COMMISSIONER, DEPT. OF MUNICIPAL AFFAIRS,
KOHIMA NAGALAND

2:MRS. ATWA MERU
INDEPENDENT CANDIDATE
ULB ELECTION 2024
OLD MARKET COLONY
WARD NO.4
JALUKIE TOWN
PEREN
NAGALAND

3:MRS. NGAUGIA IHEILUNG
(NOMINEE CANDIDATE OF MRS ATWA MERU)
OLD MARKET COLONY
WARD NO. 4
JALUKIE TOWN
NAGALAND

4:THE ELECTION TRIBUNAL
MUNICIPAL AND TOWN COUNCILS
OFFICE OF THE COMMISSIONER
NAGALAND
KOHIM

Advocate for the Petitioner : A. ZHIMOMI, NEITSEIZONUO SOLO,G

KAMEI,LHOUSINO,ESTHER

Advocate for the Respondent : GOVT ADV NL,

**BEFORE
HON'BLE MR. JUSTICE KAKHETO SEMA**

ORDER

Date : 05-05-2025

Heard Mr. A Zhimomi, learned counsel for the petitioner.

By filing this petition, the petitioner is impugning the order dated 29.07.2024 and 18.03.2025 passed by the Election Tribunal, Municipal & Town Councils, Nagaland in Election Petition No. 2/2024 and the proceedings therein. The election petition was filed by the respondent No. 2 & 3 challenging the election of the petitioner in the recently concluded ULB Election 2024 from Old Market Colony, Ward 4, Jalukie Town Council, a seat reserved for women, on the ground that the petitioner had fraudulently obtained the indigenous inhabitant certificate. The respondent No. 2 contested the said election as an independent candidate against the petitioner while the respondent No.3 was the nominee candidate of the respondent No.2.

Mr. A. Zhimomi, learned counsel for the petitioner submits that the election petition filed by the respondent No.2 & 3 before the Election Tribunal is not in accordance with the relevant provision of the Nagaland Municipal Act, 2023 more particularly section-45(a), section-48 and section 51 of the said Act. It is also submitted that the petitioner is an indigenous inhabitant of the State of Nagaland whose grandfather is enlisted as a registered voter in the Electoral Roll of 1963 at Sl. No. 665 in Part D.4.3 under the Dimapur Town, Nagaland.

It is also the case of the petitioner that the father of the petitioner was adopted by late Tanpau of Nzau village and given the name Daulubo

and therefore, the petitioner is a bonafide indigenous inhabitant of the State of Nagaland. In support of his case, Mr. A. Zhimomi has relied in the order dated 20.03.2025 passed in W.P(C) No. 6506/2022 by a co-ordinate Bench of this Court.

Issue notice to the respondents returnable in 4(four) weeks.

Ms. P. Kithan, learned Government Advocate accepts notice on behalf of the respondent No.1, therefore, no formal notice need be issued to the State respondents. The learned counsel for the petitioner shall however serve the requisite copies of the writ petition to the learned Government Advocate in the course of the day.

Insofar as the respondent No. 2, 3 & 4 are concerned, the learned counsel for the petitioner shall take steps for service of notice on the said respondents by registered post with AD within a period of 2 days from today.

In the interim, considering the submission made by the learned counsel for the petitioner and the materials available on record, this Court, is inclined to suspend, the order dated 29.07.2024 and 18.03.2025 passed by the Election Tribunal, Municipal & Town Councils, Nagaland in Election Petition No. 2/2024 and the proceedings therein till the next returnable date.

Sd/-

JUDGE

Comparing Assistant